

JOURNAL OF THE HOUSE.

Wednesday, April 2, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal and Omnipresent God, we try each day to serve You, our family and constituents faithfully and to the best of our ability. We pray for Your always-available assistance in our daily struggle to be successful in these efforts. We believe that Your help also enables us, as elected leaders, to analyze correctly and to endorse enthusiastically those legislative proposals which serve the best human and spiritual interests of the people and the common good. May we continue, as a society and nation, to respect the dignity and rights of all people, even in the midst of much worldwide violence against innocent children and seniors. Let the common good be a common goal.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayer.

At the request of the Chair (Mr. Donato), the members, guests and employees stood in a moment of silent prayer in memory of Francis R. "Frank" Powers, who served as Clerk of the Plymouth County Superior Court from 1976 until his death on March 28.

Francis R.
Powers.

Statement Concerning Representative Fallon of Malden.

A statement of Mr. Rushing of Boston concerning Mr. Fallon of Malden was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fallon of Malden, will not be present in the House Chamber for today's sitting due to his recovering from a recent hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Fallon of Malden.

Statement Concerning Representative Welch of West Springfield.

A statement of Mr. Rushing of Boston concerning Mr. Welch of West Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Welch of West Springfield, will not be present in the House Chamber for today's sitting due to the recent arrival of a new baby son, Christopher Welch (younger brother to Thomas Welch), on Tuesday, April 1, 2008. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Welch of
West
Springfield.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Perkins School
for the Blind.

Resolutions (filed by Ms. Kaprielian of Watertown) congratulating Perkins School for the Blind on the twenty-fifth anniversary of its New England Preschool Conference; and

Davia
Berlfein.

Resolutions (filed by Mr. Smizik of Brookline) congratulating Davia Berlfein on the occasion of her retirement;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Jones of North Reading, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

Medford,
alcoholic
beverages.

By Mr. Donato of Medford, petition (accompanied by bill, House, No. 4648) of Paul J. Donato and others (with the approval of the mayor and city council) for legislation to authorize the city of Medford to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Revere,
traffic
control.

By Mr. DeLeo of Winthrop, petition (accompanied by bill, House, No. 4642) of Robert A. DeLeo, Kathi-Anne Reinstein and Robert E. Travaglini (with the approval of the mayor and city council) that the city of Revere be authorized to install devices for a traffic control signal violation monitoring system for regulating the operation of motor vehicles in said city. To the committee on Transportation.

Severally sent to the Senate for concurrence.

Papers from the Senate.

Life
sciences.

The House Bill providing for the investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4554) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2556; and striking out the emergency preamble and inserting in place thereof the following emergency preamble:—

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the amendments were considered forthwith.

Committee of
conference.

The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Bosley, Rodrigues of Westport and Hill of Ipswich were appointed as the committee on the part of the House. Sent to the Senate to be joined.

Wrentham,

recall
elections.

The engrossed Bill providing for recall elections in the town of Wrentham (see Senate, No. 2290), which had been returned to the Senate by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see Senate, No. 2553), came from said branch with the endorsement that it had been amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2586.

Under suspension of Rule 35, on motion of Mr. Ross of Wrentham, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Groton,
town
charter.

The House Bill providing for a charter for the town of Groton (House, No. 4490) came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section:

“SECTION 4. This act shall take effect upon its passage.”.

Under suspension of the rules, on motion of Mr. Hargraves of Groton, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House concurrence with the Senate in its amendment with a further amendment in section 1, in subsection 3-1(g), in paragraph 3, by striking out the third sentence and inserting in place thereof the following sentence: “If said officer does not resign his office within 5 days after delivery of such notice, the board of selectmen shall forthwith order an election to be held on a date fixed by them not less than 64 days nor more than 90 days after the date that the election is called.”.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The following order (having been approved by the committees on Rules of the two branches, acting concurrently) adopted by the Senate, was considered:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Friday, April 4, 2008, to make its final report on certain current House documents numbered 3756, 4499, 4444 and 2980 and current Senate documents numbered 1713, 1717, 1718 and 1800, relative to taxation.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the order was considered forthwith; and it was adopted, in concurrence.

Revenue,
extension of
time for
reporting.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Mark McDonald that public safety employees and emergency medical technicians employed by the Commonwealth and its political subdivisions be required to submit to drug and alcohol testing under standards promulgated by the Executive Office of Public Safety. Under suspension of the rules, on motion of Mr. Linsky of Natick, the report was

Public safety
employees,
drug testing.

considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Consumer
protection,
study.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on House, Nos. 27, 28, 46, 79, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 224, 225, 226, 228, 229, 230, 231, 232, 234, 235, 236, 238, 239, 241, 242, 243, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 275, 276, 280, 281, 282, 283, 284, 286, 287, 289, 290, 291, 292, 293, 295, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 310, 313, 314, 315, 316, 317, 318, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 333, 334, 336, 337, 338, 339, 340, 343, 344, 345, 346, 347, 929, 2974, 3760, 3771, 3772, 3818, 3841, 3842, 3843, 3844, 3845, 3846, 4113 and 4247, an Order relative to authorizing the committee on Consumer Protection and Professional Licensure to make an investigation and study of certain House documents concerning consumer protection in the Commonwealth and other related matters (House, No. 4638).

Environment,
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 630, 714, 720, 721, 723, 737, 742, 743, 751, 753, 757, 784, 786, 789, 790, 791, 806, 811, 814, 819, 829, 836, 851, 861, 862, 891, 892, 893, 3617, 3778, 3779 and 3889, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning environmental issues and other related matters (House, No. 4639).

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By the same member, for the same committee, on House, Nos. 724, 725, 741, 746, 752, 759, 765, 766, 767, 768, 770, 775, 776, 778, 779, 794, 795, 801, 804, 805, 809, 810, 823, 835, 837, 840, 841, 843, 845, 846, 847, 848, 849, 850, 856, 857, 858, 859, 860, 863, 866, 867, 868, 873, 874, 875, 877, 883, 888 and 889, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents concerning environmental issues and other related matters (House, No. 4640).

Housing
permit law,
study.

By Mr. Honan of Boston, for the committee on Housing, on Senate, Nos. Senate, Nos. 748, 749, 750, 751, 752, 760, 767, 775 and 776 and House, Nos. 1202, 1204, 1205, 1206, 1208, 1210, 1212, 1213, 1214, 1215, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1257, 1258, 1263, 1267, 1270, 1286, 3762, 3858, 3859, 3861, 3862, 3863 and 3864, an Order relative to authorizing the committee on Housing to make an investigation and study of certain Senate and House documents the state's comprehensive permit law and other related matters (House, No. 4641).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Ms. Reinstein of Revere, for the committee on Elder Affairs, on House, Nos. 620 and 625, a Bill establishing a grant program for senior citizens centers (House, No. 620). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Senior
centers,
grant
programs.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill to require national background checks (House, No. 144).

National
CORI
checks.

By the same member, for the same committee, on a joint petition, a Bill relative to the profits from crime (House, No. 169).

Crime,
profits.

By the same member, for the same committee, on a petition, a Bill relative to the Superior Court for county of Bristol, civil proceedings clerk (House, No. 1405).

Bristol
Superior
Court.

By the same member, for the same committee, on a petition, a Bill relative to community based juvenile justice programs (House, No. 1426).

Juvenile
justice.

By the same member, for the same committee, on a petition, a Bill providing for the appointment of a deputy assistant registrar in the Norfolk probate court (House, No. 1588).

Norfolk
Probate
Court.

By the same member, for the same committee, on a petition, a Bill to protect the citizens of the Commonwealth from drunk drivers (House, No. 1664).

Drunk
driving.

By the same member, for the same committee, on a joint petition, a Bill relative to anti gang injunctions (House, No. 4293).

Gangs,
injunctions.

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on House, No. 3938, a Bill relative to the Architectural Access Board (House, No. 4646).

Architectural
Access Board.

By Mr. Binienda of Worcester, for the committee on Revenue, on House, Nos. 2980, 3756 and 4499, a Bill improving tax fairness and business competitiveness (House, No. 4645) [Representative Ross of Wrentham dissenting].

Tax
fairness.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 3675, a Bill relative to railroad crossings (House, No. 4647).

Railroad
crossings.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bill.

The engrossed Bill requiring continuing education of construction supervisors (see House, No. 4344) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

Senate bills

Authorizing the Mashpee Water District to enter into a certain agreement with the town of Sandwich (Senate, No. 2282, changed); and

Authorizing the town of Dedham to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2336, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the licensing of school bus drivers (House, No. 4396); Authorizing the appointment of retired police officers as special police officers in the town of Natick (House, No. 4401);

Authorizing the town of Chatham to issue two additional licenses for all alcoholic beverages to be drunk on the premises (House, No. 4522) (its title having been changed by the committee on Bills in the Third Reading); and

Placing certain questions on the ballot of the November 2008 Presidential election (House, No. 4558);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill authorizing the town of Orleans to operate a sewer system (Senate, No. 2452);

House bills

Relative to specially qualified voters (House, No. 688);

Relative to the composition of the Massachusetts Water Resources Authority Board of Directors (House, No. 735);

Relative to bank branches (House, No. 962);

Relative to private passenger automobile insurance (House, No. 1022);

Clarifying certain banking laws (House, No. 1044);

Improving the efficiencies of banks (House, No. 1082);

Relative to the signing of death certificates (House, No. 2134, changed);

Relative to the transporting of deceased persons (House, No. 2278);

Relative to antique cars (House, No. 2417);

Authorizing the transportation board of the town of Brookline to regulate valet parking in the town of Brookline (House, No. 4492);

Authorizing the town of Brookline to lease town owned property for an additional thirty years (House, No. 4493);

Designating a certain bridge in the town of Grafton as the Private Walter Ermak Bridge (House, No. 4919);

Severally were read a second time; and they were ordered to a third reading.

The House Bill providing health insurance coverage to the surviving children of police officers and firefighters killed in the line of duty (House, No. 2576) was read a second time. bill amended.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4565),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill amending certain health insurance options for municipal retirees (House, No. 2728) was read a second time. ii

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 4516),— was adopted.

The substituted bill then was ordered to a third reading.

The House Bill relative to healthy cosmetics (House, No. 4347) was read a second time.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended in section 1, in line 29, by inserting after the word “misbranded”, the following: “, as defined by sections 601 and 602 of the Federal Food, Drug and Cosmetic Act, 21 U. S. C. sections 361 and 362”,— was adopted.

The bill (House, No. 4347, amended) then was ordered to a third reading.

House reports

Of the committee on Financial Services, ought NOT to pass, on the petition (accompanied by bill, House, No. 930) of Paul C. Casey relative municipal participation in the Group Insurance Commission; House Reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 931) of Robert Correia and others for legislation to require travel agents to file surety bonds with the Commissioner of Insurance;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 938) of James B. Eldridge and others for legislation to preserve health care insurance for certain college graduates;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 940) of Christopher G. Fallon relative to termination of coverage in certain accident and health insurance policies; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1012) of Ronald Mariano relative to the cancellation or modification of contracts of insurance producers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1018) of Ronald Mariano relative to insurance contracts between carriers and health care providers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 1041) of Kevin J. Murphy and others for legislation to establish the office of Commissioner of Insurance as an elected position; House

Third
reading
bills.

Third
reading
bills.

Second
reading
bills.

Second reading

reports.

Of the same committee, ought NOT to pass, on part of the petition (accompanied by bill, House, No. 1237) (sections 7 and 8) of Kevin G. Honan and others for legislation to protect homeowners from mortgage foreclosures;

Of the same committee, ought NOT to pass, on part of the petition (accompanied by bill, House, No. 1290) (section 5) of David M. Torrisi and others for legislation to establish a home preservation fund to preserve and promote homeownership; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3854) of Robert Correia and Barbara A. L'Italien for legislation to include home care providers in the health insurance plan for public employees; and

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3598) of William Smitty Pignatelli for legislation to increase the maximum number of letters and numbers on license plates from six to eight;

Severally were accepted.

Twins,
class room
placement.

The House Bill relative to the placement of twins in classrooms (House, No. 460) was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Jones of North Reading moved to amend it by substitution of a Bill relative to classroom placement of twins (House, No. 469).

The amendment was adopted; and the substituted bill was ordered to a third reading.

Child
passenger
safety.

The Senate Bill relative to child passenger safety (Senate, No. 2018); and

The House Bill relative to child passenger safety (House, No. 2361, changed);

Severally were read a second time; and they were ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Costello of Newburyport, the bill (Senate, No. 2018) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the Bill relative to child passenger safety (House, No. 2361, changed), likewise referred (this day) to said committee; and the report was accepted. The bill (Senate, No. 2018) then was passed to be engrossed, in concurrence.

Recesses.

Recesses.

At twenty-eight minutes before twelve o'clock noon, on motion of Mr. Smith of Everett (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock; and at twenty-two minutes before one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Peterson of Grafton, until the hour of one o'clock; and at twenty-eight minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Engrossed Bill and Resolve.

The engrossed Bill further regulating parking for handicapped persons (see House, No. 3499, changed) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Resolve providing for an investigation and study by a special commission relative to the hidden wounds of war on Massachusetts service members (see House, No. 4526) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Massachusetts
service
members,
study.

On the question on passing the resolve, the sense of the House was taken by yeas and nays, at the request of Mr. Verga of Gloucester; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Resolve
passed,
yea and nay
No. 291.

[See Yea and Nay No. 291 in Supplement.]

Therefore the resolve was passed; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill providing for the establishment of a fire department in the town of Georgetown (Senate, No. 2343, amended) was read a second time; and it was ordered to a third reading.

Georgetown,
fire chief.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 4637), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Transportation
bond.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed
to be
engrossed,
yea and nay
No. 292.

[See Yea and Nay No. 292 in Supplement.]

Therefore the bill (House, No. 4637) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-two minutes after two o'clock P.M., on motion of Mr. Verga of Gloucester (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.